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9 Attorneys for Defendants WELLS FARGO &
10 COMPANY; WELLS FARGO ADVISORS,
11 LLC; and WELLS FARGO ADVISORS
FINANCIAL NETWORK, LLC

12 [ADDITIONAL COUNSEL LISTED ON
13 SIGNATURE PAGE]

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16
17 KENNISON WAKEFIELD, individually and
on behalf of all other similarly situated,

18 Plaintiff,

19 vs.

20 WELLS FARGO & COMPANY, WELLS
21 FARGO ADVISORS, LLC, and WELLS
22 FARGO ADVISORS FINANCIAL
NETWORK, LLC and DOES 1 through 20,

23 Defendants.

Case No. 3:13-cv-05053-LB

**STIPULATION AND ~~PROPOSED~~
ORDER RE: (i) WITHDRAWAL OF
REMAND MOTION AND (ii) BRIEFING
SCHEDULE FOR MOTION ON
STATUTE OF LIMITATIONS**

AS MODIFIED BY THE COURT

Judge: Hon. Laurel Beeler

1 WHEREAS, on October 29, 2013, Defendants Wells Fargo & Co., Wells Fargo
2 Advisors, LLC, and Wells Fargo Financial Network, LLC (“Defendants”) removed the above-
3 captioned matter to this Court;

4 WHEREAS, on November 26, 2013, Plaintiff Kennison Wakefield (“Plaintiff”)
5 filed a Motion to Remand this matter to state court (Dkt. No. 12);

6 WHEREAS, the Parties then agreed to attempt an early mediation of this matter
7 before a private mediator;

8 WHEREAS, the parties have since jointly stipulated and requested four
9 continuances of all dates in order to continue to engage in settlement and mediation discussions;

10 WHEREAS, the Court has granted the parties’ requests for such continuances, (see
11 Dkt. Nos. 18, 25, 30, 36), including most recently on June 11, 2014 (Dkt. No. 36);

12 WHEREAS, pursuant to the Court’s June 11, 2014 Order, Defendants’ opposition
13 to the Motion to Remand currently is scheduled to be filed on June 19, 2014, and Plaintiff’s reply
14 to Defendants’ opposition to the Motion to Remand is scheduled to be filed on June 26, 2014, and
15 the hearing on Plaintiff’s Motion to Remand is set for July 17, 2014 at 9:30 a.m.;

16 WHEREAS, Plaintiff wishes to withdraw the Motion to Remand (Dkt. 12) because
17 the parties believe and concur that federal jurisdiction pertains to this action under the Class
18 Action Fairness Act, 28 U.S.C. § 1332(d);

19 WHEREAS, the parties have entered into a Memorandum of Understanding that
20 conditionally settles this action and the parties will be working on a definitive settlement
21 agreement, ultimately subject to Court approval. The Memorandum of Understanding will be
22 provided to the Court’s chambers;

23 WHEREAS, the settlement is conditioned upon, and the total settlement
24 consideration will be affected by, the process set forth in the Memorandum of Understanding and
25 the Court’s ruling on a motion for summary adjudication concerning the statute of limitations and
26 its applicability to a portion of the members of the putative class;

27 WHEREAS, Defendants will file such motion under F.R.C.P. Rule 56 for summary
28 adjudication within 35 days; and

1 WHEREAS, counsel for Plaintiff has disclosed to counsel for Defendants the
2 contacts of one of the counsel for Plaintiff with the Honorable Magistrate Beeler as described in
3 the attached memorandum and Defendants do not object to this Court's administration of this case.

4 NOW, THEREFORE, the parties stipulate and the Court orders as follows:

5 1. The Motion to Remand (Dkt. No. 12) is withdrawn with prejudice, and the
6 hearing thereon scheduled for July 17, 2014, at 9:30 a.m., is taken off calendar.

7 2. There is jurisdiction in this Court pursuant to the Class Action Fairness Act,
8 28 U.S.C. § 1332(d), in that this is an alleged class action where the matter in controversy exceeds
9 \$5 million, the number of alleged class members is approximately 135, more than two-thirds of
10 the alleged class members are citizens of California, and no defendant from whom significant
11 relief is sought and whose conduct forms a significant basis for the claims of the alleged class is a
12 citizen of California. (While defendant Wells Fargo & Co. is headquartered in California, it is
13 named as parent of Wells Fargo Financial Services, LLC, against which all significant relief is
14 sought in the Complaint.)

15 3. Subject to approval of the Court, the following dates are proposed with
16 respect to the briefing schedule on the summary adjudication motion:

Event	Date
Motion due	July 22, 2014
Opposition due	August 5, 2014
Reply due	August 12, 2014
Hearing date	September 4, 2014

21 **September 18, 2014**

22 SO STIPULATED.

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DATED: June 18, 2014

MUNGER, TOLLES & OLSON LLP

By: /s/ Terry E. Sanchez
TERRY E. SANCHEZ
Attorneys for Defendants WELLS FARGO &
COMPANY; WELLS FARGO ADVISORS, LLC; and
WELLS FARGO ADVISORS FINANCIAL
NETWORK, LLC

DATED: June 18, 2014

BARTKO, ZANKEL, BUNZEL & MILLER

By: /s/ Robert H. Bunzel
ROBERT H. BUNZEL
Attorneys for Plaintiff Kennison Wakefield

IT IS SO ORDERED.

DATED: June 19, 2014



LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

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FILER’S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), regarding signatures, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from Robert H. Bunzel.

DATED: June 18, 2014 MUNGER, TOLLES & OLSON LLP

By: /s/ Terry E. Sanchez
TERRY E. SANCHEZ